

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2015-155154-002 DT

05/18/2016

COMMISSIONER JAMES RUMMAGE

CLERK OF THE COURT  
S. Bhakta/N. McKinney  
Deputy

STATE OF ARIZONA

CLAYTON ALEC LYNAS

v.

RICHARD JACOB MONDEAU (002)  
DOB: 03/28/1986

EDEN MARA BROWN

APO-SENTENCINGS-CCC  
APPEALS-CCC  
AZ DOC  
AZ DOC - GENERAL COUNSEL  
DISPOSITION CLERK-CSC  
RFR

SENTENCE - IMPRISONMENT AND PROBATION

9:29 a.m.

Courtroom CCB-1003

State's Attorney:	Daniel Segovia for Clayton Lynas
Defendant's Attorney:	Eden Brown
Defendant:	Present

A record of the proceedings is made digitally in lieu of a court reporter.

The Defendant's mother addresses the Court.

Count(s) 1 and 3: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

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IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 (as amended): Possession of Narcotic Drugs for Sale  
Class 2 Felony with One Prior Felony Conviction

A.R.S. § 13-3401, 13-3408, 13-3418, 13-701, 13-703, and 13-801

Date of Offense: December 1, 2015

Non Dangerous - Repetitive

OFFENSE: Count 3 Possession of Narcotic Drugs for Sale

Class 2 Felony

A.R.S. § 13-3401, 13-3408, 13-3418, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702,  
and 13-801

Date of Offense: December 3, 2015

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment  
and is committed to the Arizona Department of Corrections as follows:

Count 1: 7 year(s) from May 18, 2016

Presentence Incarceration Credit: 166 day(s)

Mitigated

Sentence is concurrent with CR2015-000843-001 and CR2015-144979-001.

Pursuant to A.R.S. § 13-703 or 13-704, the Court finds that the Defendant has been  
convicted of the following prior felony offenses:

Unlawful Removal of Theft Detection Shielding Device, a class 6 felony committed on  
May 3, 2015 and convicted on June 12, 2015 in CR2015-000843-001 in Maricopa County  
Superior Court.

The Defendant was represented by counsel.

Community Supervision: Count 1 - Waived pursuant to A.R.S. § 13-603(K), due to the  
term of probation in Count 3 and CR2016-001340-001.

In the event the Defendant is released by the Department of Corrections on a temporary  
release basis, and a term of Community Supervision has been waived, the length of probation  
shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-  
901(B).

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The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

Upon physical release from prison pursuant to A.R.S. §13-603(K). Count 3: For a period of 3 years.

IT IS ORDERED that probation in Count 3 shall run concurrent with probation in CR2016-001340-001.

Conditions of probation include the following:

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8: Request and obtain written permission of the APD prior to leaving the State.

Condition 15: Restitution, Fines and Fees:

FINE: Count 3 - Total amount of \$3,660.00, which includes surcharges of 83%, payable \$50.00 per month.

PROBATION ASSESSMENT: Count 3 - \$20.00.

Count 3: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

VICTIMS' RIGHTS ENFORCEMENT Count 3 - in the amount of \$2.00.

PENALTY ASSESSMENT - A.R.S. § 12-116.04: Count 3 - \$13.00.

Investigative Agency:

Mesa Police Department

Count 3: Technical Registration Fund in the amount of \$15.00.

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Payment to commence on a date to be determined and is due on the same day of each month thereafter until paid in full.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforesponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Condition 16: Not consume or possess any substances containing alcohol.

Condition 17: Count 3: Complete a total of 360 hours of community restitution. Complete a set number of hours per month as directed in writing by APD. Complete hours at a site approved by the APD.

Condition 18: Count 3: Be incarcerated in the county jail for 12 month(s) flat, beginning upon release from prison, with credit for 0 day(s) served.

Report to the APD within 72 hours of release from jail. Comply with all program rules.

Defendant is eligible for early release from jail upon successful completion of the ALPHA program.

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss the following: Counts 2, 4, 5, allegation of the Defendant's additional prior felony conviction and allegation that the Defendant was on probation when he committed these new offenses.

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Count(s) 1: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

The Court recommends placement in the Marana facility.

Count(s) 3: IT IS FURTHER ORDERED that upon completion of defendant's prison sentence in Count1, CR2015-000843-001, and CR2015-144979-001, the Arizona Department of Corrections shall not release the defendant, but shall return the defendant to the custody of the Maricopa County Jail.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

The presentence investigation report is filed under CR2015-155154-002.

9:57 a.m. Matter concludes.

IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER JAMES RUMMAGE  
JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)